

REMARKS

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided. Applicant also notes with appreciation Examiner's acknowledgment of Applicant's Information Disclosure Statements filed in the present application by the return of the initialed and signed PTO-1449 forms and the Examiner's acknowledgment of Applicant's claim for priority and receipt of the certified copies of the priority documents in the Official Action.

Upon entry of the present Amendment, claim 16 will have been amended and claims 17- 25 will have been added. Claims 1-25 remain pending for consideration by the Examiner. Applicant notes that claims 17-25 generally correspond to original claims 1-5, 7, 8, 10 and 14, and recite, *inter alia*, a digital camera having a body.

The Examiner has objected to independent claims 1 and 16. With respect to claim 1, the Examiner has found that the second actuator is not positioned inside the annular ring 8 in a second space between the inner peripheral surface of the annular ring and the movement path of the lens holder group, finding that this second actuator must be outside the movement path of the lens holder group 6 so as not to make contact with it. The Examiner is correct in his assumption that the second actuator is outside of the movement path of the lens holder; however, it is respectfully submitted that the Examiner is incorrect in his determination that the second actuator is not between this path and the inner peripheral surface of the annular ring 8. Specifically, as a non-limiting example, when the holder 6 moves in the X-Y plane (*e.g.*, toward ref. 51a in Fig. 137), the second actuator (the cover

P23702.A04

of which is shown as ref. 122) is outside of this path, and *is still between* this path and the inner peripheral surface of the annular ring 8.

With respect to the objection to claim 16, the Examiner has found that the other of the at least two actuators is not positioned inside the annular ring in a second space between the inner peripheral surface of the annular ring and an outer edge of the rear lens group, accommodated in the annular ring. Applicant again respectfully submits that the Examiner is mistaken in his determination. Specifically, referring to Fig. 137 as a non-limiting example, the other of the at least two actuators (the cover of which is shown as ref. 122) is indeed between the inner peripheral surface of the ring member 8 and the outer edge of the rear lens group LG3 accommodated in the ring member.

Also with respect to claim 16, Applicant submits that the limitation “at an axial position different from an axial position of said one of said two actuators in said photographing optical axis direction” is indeed readily understandable. Referring to Fig. 140 as a non-limiting example, the two actuators (131, 132) are on opposite sides of the base plate in the direction of the axis passing through the base plate 120, which is parallel to the optical axis direction. This arrangement is further described, *inter alia*, in Applicant’s specification at page 301, line 10 - page 302, line 18. Nevertheless, without admitting to the propriety of the Examiner’s objection, Applicant has amended this limitation to recite ---a position different from a position of said one of said two actuators in said photographing optical axis direction---, solely for clarification purposes, thereby explicitly rendering what was already implied in this claim.

The Examiner has rejected claims 1-16 under 35 U.S.C. § 102(e) as being anticipated by US Patent Publication No. 2003/0156832 to NOMURA et al., finding that this reference teaches all of the limitations of the above claims.

Applicant respectfully traverses the Examiner's rejection and note that the applied NOMURA publication fails to teach or suggest at least the claimed feature of a first and a second actuator respectively positioned at a first and a second space (as claimed in claim 1 and newly-added claim 17), and further fails to teach or suggest at least two actuators located at different positions in the photographic axis direction (as claimed in claim 16).

With respect to the Examiner's rejection of dependent claims 2-15, Applicant submits that these claims (as well as newly-added claims 17-25) are dependent from allowable independent claim 1, which is allowable for at least the reasons discussed *supra*. Thus, these dependent claims (as well as newly-added claims 17-25) are also allowable for at least the reasons discussed *supra*. Further, all dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references.

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 1-16 and the claims dependent from claim 1, these claims are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102.

P23702.A04

Nevertheless, in order to expedite the allowance of the present application, Applicant submits herewith a verified translation of the two priority documents (having respective Japanese filing dates of August 27, 2002 and February 3, 2003, which is before the U.S. filing date of February 20, 2003 of the NOMURA et al. publication), thereby perfecting priority of the present application under 35 U.S.C. § 119 and removing NOMURA et al. as a reference. It is therefore respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 102(e).

SUMMARY AND CONCLUSION

Applicant thus respectfully submits that each and every pending claim in the present application is in condition for allowance, and respectfully requests withdrawal of the outstanding objection and rejection, and allowance of all pending claims in the present application.

With respect to Applicant's amendment of claim 16, Applicant submits that this Amendment has not been made for a purpose related to patentability, but rather is a clarifying amendment that is cosmetic in nature that is not intended to narrow the scope of the claims. Accordingly, this amendment should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions regarding this paper or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Hiroshi NOMURA

William S. Boshnick  
Reg. No. 44,550



Bruce H. Bernstein  
Reg. No. 29,027

January 21, 2005  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191